

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AVERY CHATMAN,

Defendant.

Case No. 1:04-CR-126-01

Hon. Richard Alan Enslen

ORDER

Defendant Avery Chatman has submitted to the Court a letter motion, received by the Clerk on or about July 25, 2006. The letter motion alternatively requests either legal advice regarding Defendant's failure to timely appeal the Court's Final Order of December 2, 2005 denying him relief under 28 U.S.C. § 2255, or appointment of counsel to provide such advice. This Court will do neither. The Court's role is to serve as an impartial adjudicator of the facts and law; it is not to provide advisory legal rulings to the parties. *See North Carolina v. Rice*, 404 U.S. 244, 246 (1971). Regarding appointment of counsel, appointment is now futile because the Sixth Circuit Court of Appeals now lacks jurisdiction to entertain an appeal on Defendant's behalf as indicated by the Sixth Circuit's letter of February 9, 2006.¹

THEREFORE, IT IS HEREBY ORDERED that Defendant Avery Chatman's letter motion (Dkt. No. 52) is **DENIED**.

Dated in Kalamazoo, MI:
July 26, 2006

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge

¹Motions for appointment of counsel are also typically unnecessary in the case of a timely appeal because under Sixth Circuit Court of Appeals I.O.P. 22(b), the Clerk routinely appoints counsel for paupers pursuing section 2255 appeals.